

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 1 and 2. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed March 5, 2008. Claims 1-23 were pending in the present application. This Amendment amends claims 1-3, 10, 11, 14, and 19-23, and cancels claim 6 without prejudice, leaving pending in the application claims 1-5 and 7-23. Reconsideration of the rejected claims is respectfully requested.

Objections to the Drawings

Figure 1 is objected to because “it should be designated by a legend such as -- Prior Art--.” (Office Action: pg. 2). Figure 1 has been amended to include the legend “Prior Art.” Thus, the objection to Figure 1 is believed to overcome.

Figure 2 is objected to because it “does not contain any reference numbers and do [sic] not contain proper labels for decision points, such as ‘yes’ or ‘no’ conditional branch labels.” (Office Action: pg. 2). Figure 2 has been amended to include reference numbers and appropriate branch labels. In addition, the Specification has been amended to reference the newly-added reference numbers. Applicant submits that no new subject matter has been introduced by virtue of these amendments. Thus, the objection to Figure 2 is believed to be overcome.

Objections to Claims 14, 19, 20, 21, and 23

Claims 14, 19, and 23 are objected to for various informalities. Claims 14, 19, and 23 have been amended accordingly. Thus, the objection to these claims is believed to be overcome.

Claims 20 and 21 are objected to as being of improper dependent form. Specifically, these claims recite “the method of Claim 19...” although claim 19 is a system claim. Claims 20 and 21 have been amended to correct this inadvertent typographical error, and now recite “the system of Claim 19...” Thus, the objections to these claims is believed to be overcome.

35 U.S.C. §112 (First Paragraph) Rejections of Claims 1-3, 10, 11, 19, 22, and 23

Claims 1-3, 10, 11, 19, and 22 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner asserts that “the claims of ‘[t]he present invention [are] directed to a scheduling system that establishes cross-program dependencies...’ (Specification [0014], but there is no description in the specification or the claims as to how the ‘system’ establishes these dependencies. In fact, the specification indicates that it is the program managers that establish these dependencies—there is no description of how the system accomplishes this action.” (Office Action: pg. 4).

Although Applicant disagrees with the rejection, in order to expedite prosecution Applicant has amended claim 1 to recite “receiving interdependencies between activities from a plurality of programs...” (Emphasis added). In other words, the interdependencies are “received” rather than “established.” Claims 2, 3, 10, 11, 19, and 22 are amended in a similar fashion. Support for these amendments may be found in the Specification as filed at, for example, paragraphs 12 and 15. No new matter is added.

Since claims 1-3, 10, 11, 19, and 22 now recite that embodiments of the present invention receive interdependencies (for example, from program managers) rather than establishing them, Applicant submits that the Section 112 (first paragraph) rejection of these claims is believed to be overcome.

Claim 23 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner asserts that “the claim language suggests (per the claim objection above) that a *modification...is operable to display an effect...*, but no method steps are indicated in the claims or the specification describing the actions that render it operable.” (Office Action: pg. 5). Claim 23 has been amended to clarify that the modification “causes an effect of said modification to said program schedule to be displayed.” Thus, the Section 112 (first paragraph) rejection of claim 23 is believed to be overcome.

35 U.S.C. §112 (Second Paragraph) Rejections of Claims 1-10, 20, 21, and 23

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph, because there is insufficient antecedent basis for the limitation “said method.” Applicant respectfully

disagrees. For example, claim 1 recites “a computerized method of managing programs, said method comprising...” Clearly, the phrase “a computerized method” provides antecedent basis for “said method.” Claims 2-10 recite similar language. Thus, the Section 112 (second paragraph) rejection of claims 1-10 is believed to be overcome.

Claim 6 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 6 has been canceled without prejudice, and thus the rejection of claim 6 is moot.

Claims 2 and 23 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserts “Applicant uses the terms contingency data in these claims, but does not define these terms in the specification, nor is their meaning apparent from the context of the claims.” (Office Action: pg. 5).

Although Applicant disagrees with the rejection, in order to expedite prosecution Applicant has amended claims 2 and 23 to remove references to the phrase “Contingency Data.” Thus, the Section 112 (second paragraph) rejection of claims 2 and 23 is believed to be overcome.

Claims 20 and 21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserts “these claims are drawn to statutory classes that are different from their respective parent claims and so are confusing as to the types of invention they pertain to.” (Office Action: pg. 5). As discussed with respect to the objection to claims 20 and 21, these claims have been corrected to recite “the system of Claim 19...” Thus, the Section 112 (second paragraph) rejection of claims 20 and 21 is believed to be overcome.

35 U.S.C. §101 Rejection of Claims 20, 21, and 23

Claims 20 and 21 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner asserts

“independent claim 10 is directed to a system, whereas claims 20 and 21 are directed to a method.” (Office Action: pg. 6). As discussed with respect to the objection to claims 20 and 21, these claims have been corrected to recite “the system of Claim 19...” Thus, the Section 101 rejection of claims 20 and 21 is believed to be overcome.

Claim 22 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner asserts “the *computer-readable medium having computer-executable instructions* of Claim 23 [sic] is not a process, machine, manufacture, or composition of matter, or any improvement thereof.” (Office Action: pg. 6). Although Applicant disagrees with the rejection, claim 22 has been amended to recite “a computer-readable medium, the computer-readable medium having stored thereon a series of computer-executable instructions which, when executed by a processing component of a computer system, causes the processing component to...” This type of claim structure has been found to recite statutory subject matter in *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Thus, the Section 101 rejection of claim 22 is believed to be overcome.

35 U.S.C. §103(a) Rejection of Claims 1-6, 10-14, 16, 19, 20, 22, and 23

Claims 1-6, 10-14, 16, 19, 20, 22, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson et al. (U.S. Patent No. 7,330,822, hereinafter “Robson”) in view of Pollalis et al. (U.S. Patent No. 5,016,170, hereinafter “Pollalis”). Applicant respectfully submits that Robson and Pollalis, considered individually or in combination, do not teach or suggest the features of these claims.

Applicant’s independent claim 1 is directed to a method for managing scheduling interdependencies between a plurality of different programs (i.e., projects). As described in the Specification, prior art project management techniques/systems are generally limited to managing interdependencies within a single project plan. Thus prior art systems are unable to take into account critical developments outside a program (for example, a schedule change in a different program) that can adversely affect the schedule of the current program. (Specification: paras. 11-12). Embodiments of claim 1 overcome this problem by graphically displaying

interdependencies between activities from a plurality of programs, and dynamically updating these interdependencies as one or more of the activities are modified.

In accordance with the above, independent claim 1 (as amended) recites:

A computerized method of managing programs, said method comprising:
receiving interdependencies between activities from a plurality of programs; and
graphically displaying said interdependencies of said activities in a
computerized schedule available to multiple program managers such that modification of one of
said interdependent activities updates said schedule of said activities.

(Applicant's independent claim 1, as amended, emphasis added).

At least the above features of claim 1 are not shown by Robson and/or Pollalis. For example, the combination of Robson and Pollalis fails to teach or suggest "receiving interdependencies between activities from a plurality of programs" as recited in amended claim 1. In the Office Action, the Examiner asserts that Robson teaches this feature at paragraph 11. Applicant respectfully disagrees.

Robson is directed to a method for managing a project that includes a plurality of interdependent tasks. As described in Robson, a first dependency relationship is defined between first and second tasks of a project. An "issue," "change order," and/or "change request" is then created within the context of the project. Finally, a second dependency relationship is defined between the issue, change order, or change request and the first and/or second tasks. (Robson: col. 2, lines 25-48). Thus, at best, Robson merely teaches defining interdependencies between tasks and/or other objects of single project/program. This is substantially different from Applicant's amended claim 1, which specifically recites receiving interdependencies between activities from a plurality of programs.

The section of Robson cited by the Examiner states "according to the present invention, the database 110 may store the tasks, Issues, Change Requests and Change Orders from a single project or for multiple projects." (Robson: col. 9, lines 25-27). Thus, this section indicates that a system implementing the invention of Robson may store information about multiple projects. However, the mere concept of storing information about multiple projects does not teach or suggest that those projects are linked in any way. In fact, the cited section goes on to state "the user may retrieve a specific project by entering the necessary information in a

project search screen,” thus indicating that although multiple projects may be stored, only a single project is queried and managed at a time. (Robson: col. 9, lines 27-29). Accordingly, Robson cannot be properly construed as teaching “receiving interdependencies between activities from a plurality of programs” as recited in amended claim 1. (Emphasis added).

The deficiencies of Robson in this regard are not remedied by Pollalis. Pollalis is directed to a method for visualizing a set of tasks for a project. (Pollalis: Abstract). Like Robson, Pollalis makes no reference to the concept of receiving interdependencies between activities from a plurality of different projects/programs as recited in amended claim 1.

Further, since Robson and Pollalis fail to teach anything about interdependencies between activities from different programs, Robson and Pollalis necessarily fail to teach or suggest “graphically displaying said interdependencies of said activities” as recited in amended claim 1.

For at least the foregoing reasons, even if Robson and Pollalis were combined (although there appears to be no rationale for combining), the resultant combination would not teach or suggest the various features of Applicant’s independent claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Independent claims 2, 3, 10, 11, 19, 22, and 23 recite features that are substantially similar to independent claim 1, and are thus believed to be allowable over Robson and Pollalis for at least a similar rationale as discussed for claim 1, and others.

Dependent claims 4, 5, 12-14, 16, and 20 depend from independent claims 3, 11, and 19 respectively, and are thus believed to be allowable over Robson and Pollalis for at least a similar rationale as discussed for claims 3, 11, and 19, and others.

Dependent claim 6 has been canceled without prejudice, and thus the rejection of this claim is moot.

35 U.S.C. §103(a) Rejection of Claims 7, 8, 15, and 17

Claims 7, 8, 15, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson and Pollalis as applied to claims 3 and 11, and further in view of Applicant’s own prior art. Applicants respectfully traverse.

Dependent claims 7, 8, 15, and 17 depend from independent claims 3 and 11 respectively, which are not rendered obvious by Robson and Pollalis as discussed above. The teachings which the Examiner alleges are described as prior art in the present application do not remedy the deficiencies of Robson and Pollalis in this regard. For at least this reason, even if Robson and Pollalis were combined with Applicant's alleged prior art teaching (although there appears to be no rationale for combining), the resultant combination would not teach or suggest the various features of claims 7, 8, 15, and 17. Accordingly, Applicant respectfully requests that the rejection of claims 7, 8, 15, and 17 be withdrawn.

35 U.S.C. §103(a) Rejection of Claims 9 and 18

Claims 9 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson and Pollalis as applied to claims 3 and 11, and further in view of Rosnow et al. (U.S. Patent No. 7,051,036, hereinafter "Rosnow"). Applicant respectfully submits that Robson, Pollalis, and Rosnow, considered individually or in combination, do not teach or suggest the features of these claims.

Dependent claims 9 and 18 depend from independent claims 3 and 11 respectively, which are not rendered obvious by Robson and Pollalis as discussed above. As best understood, Rosnow does not provide any teaching that would remedy the deficiencies of Robson and Pollalis in this regard. For at least this reason, even if Robson, Pollalis, and Rosnow were combined (although there appears to be no rationale for combining), the resultant combination would not teach or suggest the various features of claims 9 and 18. Accordingly, Applicant respectfully requests that the rejection of claims 9 and 18 be withdrawn.

35 U.S.C. §103(a) Rejection of Claim 21

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Robson and Pollalis as applied to claim 19, and further in view of Abrams et al. (U.S. Patent No. 7,305,392, hereinafter "Abrams"). Applicant respectfully submits that Robson, Pollalis, and Abrams, considered individually or in combination, do not teach or suggest the features of this claim.

Dependent claim 21 depends from independent claim 19, which is not rendered obvious by Robson and Pollalis as discussed above. As best understood, Abrams does not provide any teaching that would remedy the deficiencies of Robson and Pollalis in this regard. For at least this reason, even if Robson, Pollalis, and Abrams were combined (although there appears to be no rationale for combining), the resultant combination would not teach or suggest the various features of claim 21. Accordingly, Applicant respectfully requests that the rejection of claim 21 be withdrawn.

Amendments to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification and do not add new matter.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Andrew J. Lee/

Andrew J. Lee
Reg. No. 60,371

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
AJL:tnm:mg
61315530 v1